

REMARKS

Claims 1, 2, 5, 6, 18, and 21 have been amended to clarify the subject matter regarded as the invention. Claims 1-6, 18, and 21 are pending.

Claims 1-6, 18, and 21 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 1-6, 18, and 21 also stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The rejection is respectfully traversed. Claim 1 has been amended to recite “constructing a data topology associated with the set of clients based on a set of performance parameters associated with the set of clients; determining a primary client using the performance parameters and a network location of the client, the network location relating to the data topology.” Examples of the performance parameters and their use may be found, without limitation, at 10:19- 11:5, 15:2-4, 18:4-6, 19:2-9, and 20:3-14. As such, claim 1 is believed to comply with the written description requirement of 35 U.S.C. 112, first paragraph. Further, in light of the specification, one skilled in the art would be able to understand the scope of the claim. It is therefore believed that claim 1 fulfills the definiteness requirement of 35 U.S.C. 112, second paragraph.

Claims 2-4 depend from claim 1 and are believed to be allowable for the same reasons described above.

With respect to claim 5, it has been amended to recite “in the event a new client is added to the set of clients: receiving a new performance parameter associated with the new client; and determining based at least in part on the new performance parameter whether the new client is to be a primary client.” As such, claim 5 is believed to comply with the written description requirement of 35 U.S.C. 112, paragraph 1 and the definiteness requirement of 35 U.S.C. 112, second paragraph.

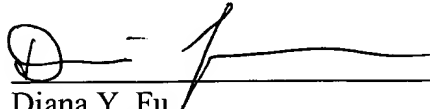
With respect to claims 6, 18, and 21, they have been amended to recite “a set of performance parameters associate with the set of clients” and “a new performance parameter associated with the new client.” As such, claims 6, 18, and 21 are believed to comply with the

written description requirement of 35 U.S.C. 112, paragraph 1 and the definiteness requirement of 35 U.S.C. 112, second paragraph.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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